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c 337 Regulations Act

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CHAPTER 337

The Regulations Act

1. In this Act,

Interpretation.

- (a) "file" means file in the manner prescribed in section 2;
- (b) "Minister" means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant-Governor in Council;
- (c) "publish" means publish in the manner prescribed in section 3;
- (d) "Registrar" means Registrar of Regulations;
- (e) "regulation" means any regulation, rule, order or by-law of a legislative nature made or approved under any Act of the Legislature by the Lieutenant-Governor in Council, a minister of the Crown, a department of the public service, an official of the government or a board or commission all the members of which are appointed by the Lieutenant-Governor in Council, but does not include,
 - (i) a by-law of a municipality or local board, as defined in *The Department of Municipal Affairs Act*, Rev. Stat., c. 96.
 - (ii) an order of the Ontario Municipal Board other than an order prescribing rules governing the proceedings before the Board,
 - (iii) an order of the Lieutenant-Governor in Council designating any highway or a system of public highways as the King's Highway, or
 - (iv) a schedule of classifications for civil servants, including qualifications, duties and salaries, prescribed under *The Public Service Act*, 1944, c. 52, s. 1; 1947, c. 102, s. 9 (1); 1948, c. 78, s. 1. Rev. Stat. c. 317.

2.—(1) Every regulation shall be filed in duplicate with the Registrar together with a certificate in duplicate of the making thereof signed by the authority making the regulation or a responsible officer thereof and, where approval is required, with a certificate of approval in duplicate signed by the authority so approving or by a responsible officer thereof, Filing required.

provided that in the case of a regulation made by a minister which does not require approval, no certificate shall be required. 1944, c. 52, s. 2 (1); 1947, c. 102, s. 9 (2).

Copy from
Executive
Council.

(2) Where a regulation is made or approved by the Lieutenant-Governor in Council, the filing with the Registrar of two copies thereof certified to be true copies by the Clerk of the Executive Council shall be deemed to be compliance with subsection 1.

Commence-
ment.

(3) Unless otherwise stated therein a regulation shall come into force and have effect on and after the day upon which it is filed and a regulation shall in no case come into force or have effect before the day of filing.

Failure
to file.

(4) Notwithstanding any other Act, a regulation that is not filed shall have no effect. 1944, c. 52, s. 2 (2 - 4).

Publication.

3.—(1) Every regulation shall, within one month of the filing thereof, be published in *The Ontario Gazette*.

Extension
of time for
publication.

(2) The Minister may at any time, by order, extend the time for publication of a regulation and the order shall be published with the regulation.

Effect of
non-publica-
tion.

(3) A regulation which is not published shall not be valid as against a person who has not had actual notice thereof.

Effect of
publication.

(4) Publication of a regulation shall,

(a) be *prima facie* evidence of the text of the regulation and of the making, approval where required, and filing thereof; and

(b) be deemed to be notice of the contents thereof to every person subject thereto or affected thereby,

and a published regulation shall be judicially noticed. 1944, c. 52, s. 3.

Powers of
Minister.

4. The Minister may,

(a) determine whether any regulation, rule, order or by-law is a regulation within the meaning of this Act and his decision shall be final;

(b) determine who shall be deemed responsible officers within the meaning of section 2; and

(c) determine any matter which may arise in connection with the administration of this Act. 1944, c. 52, s. 4.

Registrar.

5.—(1) There shall be a Registrar of Regulations appointed by the Lieutenant-Governor in Council who shall,

- (a) be responsible for the numbering and indexing of all regulations filed with him and for the publication thereof; and
- (b) exercise such powers and perform such duties as may be vested in or imposed upon him by this Act, the regulations made hereunder, or the Minister. 1944, c. 52, s. 5.

(2) The Registrar may issue a certificate as to the filing of any regulation and every such certificate shall be *prima facie* evidence of the facts stated therein without any proof of appointment or signature. 1947, c. 102, s. 9 (3).

Certificate
of Registrar.

(3) Where a map or plan,

Filing of
maps or
plans.

- (a) forms part of a regulation for the purpose of illustrating a description of land; and
- (b) is identified in the regulation by a number given to it by the Registrar,

and the regulation states that the map or plan is filed in the office of the Registrar, he may in his discretion file the map or plan in his office in numerical order and no publication of the map or plan shall be necessary. 1950, c. 79, s. 18 (1).

6.—(1) Regulations or amendments thereto shall be numbered in the order in which they are filed, and a new series shall be commenced in each calendar year.

Numbering.

(2) Regulations may be cited and referred to by the expression "Ontario Regulations" or "O. Reg." followed by the number thereof, a virgule and the last two figures of the calendar year of the filing thereof. 1944, c. 52, s. 6.

Citation.

7.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations,

Regulations.

- (a) prescribing the powers and duties of the Registrar;
- (b) prescribing the form, arrangement and scheme of regulations;
- (c) prescribing a system of indexing;
- (d) providing for the preparation and publication of a consolidation or codification of regulations which have been filed, and for the preparation and publication of supplements thereto;
- (e) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Consolidation,
codification.

(2) Publication of a regulation in a consolidation or codification or supplement thereto shall be deemed publication within the meaning of this Act. 1944, c. 52, s. 7.

Defects not
corrected.

8. The filing or publication of a regulation under this Act shall not have the effect of validating or correcting any such regulation which is otherwise invalid or defective in any respect or for any reason. 1944, c. 52, s. 9.
